

MEETINGS TO DATE 2
NO. OF REGULARS 2
NO. OF SPECIALS 0

LANCASTER, NEW YORK
JANUARY 15, 1979

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York was held at the Town Hall at Lancaster, New York on the 15th day of January, 1979 and there were

PRESENT:

STANLEY JAY KEWSA, SUPERVISOR

JOSEPH R. BARNHARDT, COUNCILMAN

EDWARD A. BERENT, COUNCILMAN

PETER J. BOLENDER, COUNCILMAN

ARTEL J. METZ, COUNCILMAN

ABSENT:

NONE

ALSO PRESENT:

ROBERT P. THILL, TOWN CLERK

DOMINIC J. TERRANOVA, TOWN ATTORNEY

RICHARD J. SHERWOOD, DEPUTY TOWN ATTORNEY

EDWARD J. FERON, JR., TOWN ENGINEER

ROBERT W. URBAN, HIGHWAY SUPERINTENDENT

VICTOR H. OTT, POLICE CHIEF

PUBLIC HEARING SCHEDULED FOR 8:00 P.M.

At 8:00 P.M., the Town Board held a Public Hearing to hear all interested parties and citizens for or against the proposed rezone petition of Dennis Casillo.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

The Town Clerk presented copies of letters which were mailed Certified Mail, Return Receipt Requested, to the Petitioner, the Attorney for the Petitioner, the Erie County Department of Planning, Richard Moleski Town Clerk of the Town of Cheektowaga and Lillian Ansel, Village Clerk of the Village of Depew, notifying these individuals of the time and place of this Public Hearing.

The Town Clerk presented a Zoning Coordination Referral from the Erie County Department of Planning wherein the Department acknowledged receipt of a Notice of this Public Hearing and commented as follows:

"No recommendation"

PROPONENTS

Thomas Fowler, Attorney for Petitioner
5441 Broadway
Lancaster, New York

OPPONENTS

None

ON MOTION BY COUNCILMAN BARNHARDT, AND SECONDED BY COUNCILMAN BERENT AND CARRIED; by unanimous voice vote, the Public Hearing was closed at 8:10 P.M.

The Supervisor informed those present that the Town Board would reserve decision on this matter until their next meeting scheduled for February 5, 1979.

BID OPENING SCHEDULED FOR 8:15 P.M.:

At 8:15 P.M., the Town Board considered sealed proposals for furnishing to the Town of Lancaster Police Department three (3) new 1979 Police Cars.

ON MOTION BY COUNCILMAN BERENT, AND SECONDED BY COUNCILMAN BARNHARDT AND CARRIED; by unanimous voice vote, the time for receiving the aforesaid proposals was closed at 8:15 P.M.

Affidavits of Publication and Posting of a Notice to Bidders were presented and ordered placed on file.

Proposals were received from the following bidders:

BIDDER

Mid-City Dodge, Inc.
2185 Walden Avenue
Buffalo, New York 14225

BID

\$15,736.00 - With Trade
\$18,795.00 - Without Trade

Gilligly Chevrolet
1777 Union Road
West Seneca, New York 14224

\$16,646.25 - With Trade
\$19,346.25 - Without Trade

ON MOTION BY COUNCILMAN BERENT, AND SECONDED BY COUNCILMAN METZ AND CARRIED, by unanimous voice, vote, the aforesaid proposals were ordered turned over to the Chief of Police for examination, tabulation, and recommendation.

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:30 P.M., the Town Board held the first of two public hearings to hear all interested parties and citizens regarding the use of approximately \$75,000.00 in Federal Community Development Funds anticipated to be received by the Town of Lancaster in September, 1979.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

The Supervisor, at this point, outlined the purpose of this hearing and reviewed for those present the general scope and intent of the Housing and Community Development Act of 1974 and outlined the Town's participation in the program for the years, 1975, 1976, 1977, and 1978 commenting upon the establishment of a starter fund for the restoration of the Opera House in the Town Hall, the participation in the Pool Funding Program to enable low-income individuals to receive subsidized loans to upgrade their homes and the use of 1978 Funds for the installation of water lines on Transit Boulevard and Storer Avenue and the alleviation of a drainage problem on Harris Hill Road, between Genesee Street and Pleasant View Drive.

The Supervisor reported that the following suggestions have been received by his office relative to expenditure of the 1979 Community Development Funds:

1. Use the funds for fire inspection of private dwellings using as an incentive a free smoke detector paid for through the Community Development Program.
2. Use funds for an interest reduction grant for renovation of low income housing.
3. Use funds to provide back-flow valves in Sewer District No. 2 for those residences which have demonstrated a chronic sewer backup problem.
4. Use funds for sidewalk replacement in the Glendale/Parkdale area.

PUBLIC HEARING SCHEDULED FOR 8:30 P.M. CONT'D.:

5. Use funds for industrial development and promotion within the Town of Lancaster.

After the Supervisor finished his general comments and review of the suggestions previously submitted for the use of the 1979 Community Development Funds, he answered any questions presented and then asked if anyone present wished to speak or be heard on this matter, or has any suggestions for the use of the Federal Funds. No further comments were made and no further suggestions were received.

ON MOTION BY COUNCILMAN BARNHARDT AND SECONDED BY COUNCILMAN BERENT AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:45 P.M.

PUBLIC HEARING SCHEDULED FOR 8:45 P.M.:

At 8:45 P.M., the Town Board held a Public Hearing to hear all interested parties and citizens upon the repeal and enactment of Section 22-4(B) of the "Garbage and Rubbish Ordinance" known as Chapter 22 of the Code of the Town of Lancaster.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

The Town Clerk presented a copy of a letter which was mailed to Lancaster Sanitary Land Fill, Inc. notifying this company of the time and place of this Public Hearing.

Mr. Mark Kahle, President of Lancaster Sanitary Land Fill, Inc., stated that he had no particular objection to the proposed fee increase but he did ask the Town Board to consider eliminating the costly requirement of quarterly engineering reports and substituting therefore an annual engineering report.

PROPONENTS

None

OPPONENTS

None

ON MOTION BY COUNCILMAN BARNHARDT, AND SECONDED BY COUNCILMAN BERENT AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:55 P.M.

The Town Board, at this time, adopted a resolution hereinafter spread at length in these minutes approving this proposed amendment.

PUBLIC HEARING SCHEDULED FOR 9:00 P.M.:

At 9:00 P.M., the Town Board held a Public Hearing to hear all interested parties and citizens upon the repeal and enactment of Section 18-21(A)(2)(b) of the "Excavation Ordinance" known as Chapter 18 of the Code of the Town of Lancaster.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

The Town Clerk presented a copy of a letter which was mailed to Buffalo Crushed Stone, Inc., Lancaster Stone Products Corp., and Pine Hill Concrete Mix Corp., notifying these companies of the time and place of this Public Hearing.

PROPONETS

None

OPPONENTS

None

ON MOTION BY COUNCILMAN BARNHARDT, AND SECONDED BY COUNCILMAN BOLENDER AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 9:03 P.M.

The Town Board, at this time, adopted a resolution hereinafter spread at length in these minutes approving this proposed amendment.

OFFICIAL REPORTS:

The Town Clerk reported that the following departments of the Town of Lancaster have filed with him their reports as follows:

DEPARTMENT

Town Clerk

Monthly Report - December, 1978
Yearly Report - 1978

Dog Warden

Monthly Report - December, 1978
Yearly Report - 1978

OFFICIAL REPORTS CONT'D.:

The Town Clerk reported that the following boards, commissions, bureaus, and committees of the Town of Lancaster have filed with him minutes or memorandums of their meetings as follows:

Planning Board

December 21, 1978
January 3, 1979

Recreation Commission

December 7, 1978

COMMITTEE REPORTS:

Councilman Metz, for the Insurance Committee, presented an update schedule of values for insuring Town buildings. The report was given to the Supervisor who in turn indicated that he would forward it to the insurance carrier.

Councilman Berent reported that he will ask for a rule suspension later in the meeting and ask for a traffic study of turn arrows at the intersection of Walden Avenue and Central Avenue.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BERENT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BOLENDER , TO WIT:

RESOLVED, that the Minutes of the meetings of the Town Board, held on December 27, 1978 and January 2, 1979, as presented by the Town Clerk, be and hereby are approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES
COUNCILMAN BERENT VOTED YES
COUNCILMAN BOLENDER VOTED YES
SUPERVISOR KEYSA VOTED YES
COUNCILMAN METZ VOTED YES

Xxx

The resolution was thereupon unanimously adopted.

January 15, 1979

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BERENT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT , TO WIT:

WHEREAS, the Millgrove Volunteer Fire Department, Inc., by letter dated January 5, 1979, has requested confirmation of one (1) new member duly elected to the Membership of the Millgrove Volunteer Fire Department, Inc.,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the membership of the following individual in the Millgrove Volunteer Fire Department, Inc.:

CONFIRMATION

Daniel D. Kibler
11649 Genesee Street
Alden, N.Y. 14004

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT VOTED

COUNCILMAN BERENT VOTED

COUNCILMAN BOLENDER VOTED

SUPERVISOR KEWSA VOTED

COUNCILMAN METZ VOTED

duly

The resolution was thereupon unanimously adopted.

January 15, 1979

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BARNHARDT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BERENT , TO WIT:

WHEREAS, the Town of Lancaster, hereinafter referred to as the "Town",
and the In-Home Support Services Corporation of Western New York; hereinafter
referred to as "In-Home", have entered into an agreement dated April 24, 1978
for the provision by In-Home of an emergency home rehabilitation program and a
home winterization program; and

WHEREAS, said Agreement provides for a limit of two hundred fifty
thousand dollars (\$250,000.00) for funding of the home winterization program
and a limit of one hundred thousand dollars (\$100,000.00) for the funding of the
emergency home rehabilitation program; and

WHEREAS, six (6) months of actual operation of these programs
indicates that the demand and need for emergency home rehabilitation services
and home winterization services require a greater flexibility than the present
funding restrictions permit; and

WHEREAS, the parties hereto, and the consortium of Erie County
municipalities which the Town is representing, desire to amend the Agreement
dated April 24, 1978 to permit the necessary flexibility in providing and
delivering said services;

NOW, THEREFORE, the Town Board of the Town of Lancaster hereby
resolves as follows:

1. Paragraph Eight (8) of the Agreement dated April 24, 1978 between
the Town and In-Home, is hereby deleted and a new paragraph eight (8) inserted
as follows:

18. FUNDING

(a) The Town, in consideration of the provision of a home
winterization program and an emergency home rehabilitation program, and
subject to subparagraphs (b) and (c) below, shall pay to In-Home an
aggregate amount not in excess of Three Hundred and Fifty Thousand
Dollars (\$350,000.00) in the following manner:

(1) One Hundred Twenty Thousand Dollars (\$120,000.00) shall be paid to In-Home upon execution of this Agreement on the condition that In-Home shall submit to the Town verified accounts evidencing the expenses for which said funds were utilized. Said verified accounts shall be submitted to the Town within a reasonable time of the incurrence of the expense, but no later than sixty (60) days from the expiration date of this contract. Any portion of said One Hundred Twenty Thousand Dollars (\$120,000.00) for which verified accounts are not submitted and approved as herein provided shall revert to the town and shall be returned to the Town by sixty (60) days from the expiration date of this contract:

(2) The Town shall reimburse In-Home up to an aggregate amount not in excess of Two Hundred Thirty Thousand Dollars (\$230,000.00) upon the presentation by In-Home of vouchers in such form and documentation as may reasonably be required by the Division of Planning. The Town may reject any voucher presented after sixty (60) days from the expiration date of this contract.

(3) Under no condition shall the Town pay to or reimburse In-Home nor shall any liability extend to the Town or Consortium, beyond the sum, or aggregate thereof, of Three Hundred Fifty Thousand Dollars (\$350,000.00) for performance by In-Home of the terms and conditions set forth in the Agreement relating to an emergency home rehabilitation program and home winterization program.

(b) All payment and reimbursement under subparagraph (a) above are subject to approval by the Division of Planning. All expenses incurred by In-Home pursuant to the terms and conditions of this Agreement shall be in substantial compliance with such Community Development Budgets as may be promulgated periodically by the Town and the Division of Planning in consultation with In-Home.

(c) The payments due In-Home under the terms of subparagraph (a) above, shall include the value of any materials and supplies, as identified in said Community Development Budgets provided by the Town to In-Home."

(4) Exhibit "C" of the Agreement dated April 24, 1978 is hereby deleted from said Agreement,

(5) This is a modification and amendment of said Agreement dated April 24, 1978 and all provisions and terms of said Agreement shall remain in full force and effect except as provided for above.

(6) This First Amendatory Agreement shall be effective as of April 24, 1978.

and

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and hereby is authorized to execute the Municipal Amendatory Agreements in furtherance of this resolution.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

SUPERVISOR KEWSA VOTED YES

COUNCILMAN METZ VOTED YES

dkxkx

The resolution was thereupon unanimously adopted.

January 15, 1979

THE FOLLOWING RESOLUTION WAS OFFERED *
BY COUNCILMAN BOLENDER , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
METZ , TO WIT:

WHEREAS, the State Department of Transportation requires an agreement between the Town of Lancaster and its department for a "Safer Off-System Roads Program".

NOW, THEREFORE, BE IT

RESOLVED, that the resolution pertaining to said project, adopted at the December 18, 1978 meeting of the Town Board, be and hereby is rescinded and that the following recommended resolution entitled, "Resolution of the Town Board of the Town of Lancaster approving a Safer Off-System Roads Program project administered by the New York State Department of Transportation and authorizing the municipality to participate to the extent of the non-federal share of the cost of such project and authorizing the Town Board of the Town of Lancaster to execute an agreement on behalf of the municipality with the New York State Department of Transportation for the performance of the work of such project and for the participation by the municipality in the non-federal costs of such project", be and hereby is adopted:

"WHEREAS, the project, funded under the Federal Aid Safer Off-System Roads Program, defined in Section 219 of Title 23 United States Code, calls for the apportionment of costs for the program to be borne at the ratio of 70% Federal funds and 30% State or local funds; and

WHEREAS, the Town of Lancaster recognized that State funds are not available for the non-Federal share of the project.

NOW, THEREFORE, the Town Board of the Town of Lancaster, duly convened, does hereby:

RESOLVE, that the Town Board of the Town of Lancaster concurs with the general aspects of the above project and desires that the above-subject project be administered by the New York State Department of Transportation; and it is further

RESOLVED, that it be understood that this statement in no way diminishes the Town's rights under present procedures to review and comment on specific stages of the project; and it is further

RESOLVED, that the Town Board of the Town of Lancaster authorized the Town of Lancaster to provide the 30% non-Federal share of the costs of the project and hereby authorized the Town to participate in the cost of the project by providing in-kind services for the project to be performed by local forces; and it is further

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute all necessary agreements on behalf of the Town of Lancaster."

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

SUPERVISOR KEWSA VOTED YES

COUNCILMAN METZ VOTED YES

The resolution was thereupon unanimously adopted.

January 15, 1979

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BERENT [REDACTED], WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT [REDACTED], TO WIT:

WHEREAS, the Bowmansville Volunteer Fire Association, Inc., by
letter dated January 8, 1979, has requested confirmation of one (1) new
member duly elected to the Membership of the Bowmansville Volunteer Fire
Association, Inc.,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby
confirms the membership of the following individual in the Bowmansville
Volunteer Fire Association, Inc.:

CONFIRMATION

William Glatz
6 Donna Lea
Lancaster, N.Y. 14086

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

SUPERVISOR KEYSAY VOTED YES

COUNCILMAN METZ VOTED YES

The resolution was thereupon unanimously adopted.

January 15, 1979

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BARNHARDT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BERENT , TO WIT:

WHEREAS, a Public Hearing was held on the 15th day of January, 1979, for the purpose of repeal and enactment of Section 22-4(B) of the "Garbage and Rubbish Ordinance", known as Chapter 22, of the Code of the Town of Lancaster, County of Erie, State of New York, and persons for and against such amendment have had an opportunity to be heard, and

WHEREAS, a notice of said public hearing was duly published and posted, and

WHEREAS, the Town Board, Town Attorney and Town Clerk have recommended the proposed amendment of the Code of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that Chapter 22, Garbage and Rubbish Ordinance, of the Code of the Town of Lancaster, County of Erie and State of New York, is hereby amended by the repeal and enactment in place thereof, of Section 22-4(B) of said Chapter, as follows:

CHAPTER 22
GARBAGE AND RUBBISH

"§22-4 Recommendations to Town Board; notice of hearing; permit fee; bond.

- • • • •
- (B) If the Town Board finds that public convenience and necessity as well as the public health and general welfare of the people of the Town of Lancaster require the issuance of such permit, the Town Board shall issue a permit to the applicant; otherwise, the application for a permit shall be denied and the applicant notified of such action. Such permit shall be issued by the Town Board for any permit or extension thereof upon the payment of an annual fee of one thousand dollars (\$1,000.) for the full calendar year or any part thereof, together with an additional fee of one dollar (\$1.00) per load of whatever size delivered to the landfill site, which additional fee shall be accounted for and paid monthly, payable to the Supervisor of the Town of Lancaster in cash or by certified check, and upon delivery to the Town of Lancaster of a cash or corporate bond, negotiable securities or such alternate security acceptable to the Town Board, of no less than twenty-five thousand dollars (\$25,000.) and no more than one hundred thousand dollars (\$100,000.) the amount of which shall be set by the Town Board of the Town of Lancaster in its discretion. Said cash, bond or security shall run to the Town of Lancaster. All permits issued hereunder shall expire December 31 of each year and shall be conditioned as follows: • • • • •

LEGAL NOTICE
NOTICE OF ADOPTION
TOWN OF LANCASTER

Chapter 22, Garbage and Rubbish Ordinance of the Code of the Town of Lancaster, County of Erie, State of New York, is hereby amended by the repeal and enactment in place thereof, of Section 22-4(B) of said Chapter, as follows:

CHAPTER 22
GARBAGE AND RUBBISH

"§22-4 Recommendations to Town Board; notice of hearing; permit fee; bond.

- • • • •
- (B) If the Town Board finds that public convenience and necessity as well as the public health and general welfare of the people of the Town of Lancaster require the issuance of such permit, the Town Board shall issue a permit to the applicant; otherwise, the application for a permit shall be denied and the applicant notified of such action. Such permit shall be issued by the Town Board for any permit or extension thereof upon the payment of an annual fee of one thousand dollars (\$1,000.) for the full calendar year or any part thereof, together with an additional fee of one dollar (\$1.00) per load of whatever size delivered to the landfill site, which additional fee shall be accounted for and paid monthly, payable to the Supervisor of the Town of Lancaster in cash or by certified check, and upon delivery to the Town of Lancaster of a cash or corporate bond, negotiable securities or such alternate security acceptable to the Town Board, of no less than twenty-five thousand dollars (\$25,000.) and no more than one hundred thousand dollars (\$100,000.) the amount of which shall be set by the Town Board of the Town of Lancaster in its discretion. Said cash, bond or security shall run to the Town of Lancaster. All permits issued hereunder shall expire December 31 of each year and shall be conditioned as follows: "

and

BE IT FURTHER

RESOLVED, that said Amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster, held on the 15th day of January, 1979, and

BE IT FURTHER

RESOLVED, that a certified copy thereof be published in the Lancaster Enterprise-Journal on January 18, 1979, and

BE IT FURTHER

RESOLVED, that a certified copy of this Amendment be posted on the Town Bulletin Board, and

BE IT FURTHER

RESOLVED, that affidavits of publication and posting be filed with the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

SUPERVISOR KEYSA VOTED YES

COUNCILMAN METZ VOTED YES

The resolution was thereupon unanimously adopted.

January 15, 1979

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BOLENDER , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
METZ , TO WIT:

WHEREAS, the Superintendent of Highways of the Town of Lancaster
will require certain materials and supplies for the operation of his
department during the year 1979, which may reasonably be expected to exceed
the sum of \$3,000.00, and

WHEREAS, it is in the public interest that sealed bids for the
purchase of such supplies and materials be invited,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk advertise for bids to be received
by the Town Board of the Town of Lancaster at the Town Hall, 21 Central
Avenue, Lancaster, New York, until 8:00 o'clock P.M., Local Time, on the
5th day of February, 1979, for the purchase of crushed stone, gravel, road
oil, black top, cinders, ice control grit and redi mix concrete, and that
advertisement for bids be published in the Lancaster Enterprise-Journal and
posted on the Town bulletin board, which Notice shall be in the following
form:

LEGAL NOTICE
NOTICE TO BIDDERS
TOWN OF LANCASTER
HIGHWAY DEPARTMENT
LANCASTER, NEW YORK

Sealed bids will be received and publicly opened by the Town Board of the Town of Lancaster at 8:00 o'clock P.M., Local Time, February 5, 1979, at the Town Hall, 21 Central Avenue, Lancaster, New York, for the following materials: crushed stone, gravel, road oil, black top, cinders, ice control grit and redi mix concrete.

Specifications for each of the above named materials are on file with and may be obtained from either the Highway Superintendent of the Town of Lancaster, Lancaster Town Center, 525 Pavement Road, Lancaster, New York or the Town Clerk of the Town of Lancaster, 21 Central Avenue, Lancaster, New York.

The contract for the purchase of the above items will be awarded to the lowest responsible bidder. In cases where two or more responsible bidders submit identical bids as to price, the Town Board may award the contract to either of such bidders. The Town Board may reject all bids and readvertise for new bids at its discretion.

TOWN BOARD OF THE
TOWN OF LANCASTER

By: Robert P. Thill
Town Clerk

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

SUPERVISOR KEYSA VOTED YES

COUNCILMAN METZ VOTED YES

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The resolution was thereupon unanimously adopted.

January 15, 1979

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BARNHARDT, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BERENT, TO WIT:

WHEREAS, a Public Hearing was held on the 15th day of January, 1979, for the purpose of repeal and enactment of Section 18-21(A)(2)(b) of the "Excavation Ordinance", known as Article III of Chapter 18 of the Code of the Town of Lancaster, County of Erie, State of New York, and persons for and against such amendment have had an opportunity to be heard, and

WHEREAS, a notice of said public hearing was duly published and posted, and

WHEREAS, the Town Board, Town Attorney and Town Clerk have recommended the proposed amendment of the Code of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that ARTICLE III of Chapter 18, Excavations, of the Code of the Town of Lancaster, County of Erie and State of New York, is hereby amended by the repeal and enactment in place thereof, of Section 18-21(A)(2)(b) of said Chapter, as follows:

CHAPTER 18
EXCAVATIONS

"§18-21 Fees.

A.

2. Gravel, fill, rock, limestone and subsoil;

b. Any area, five cents (\$0.05) per cubic yard to be removed. The fee in no event to exceed Three Thousand Dollars (\$3,000.)."

and

BE IT FURTHER

RESOLVED, that said Amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster, held on the 15th day of January, 1979, and

LEGAL NOTICE
NOTICE OF ADOPTION
TOWN OF LANCASTER

ARTICLE III of Chapter 18, Excavations, of the Code of the Town of Lancaster, County of Erie, State of New York, is hereby amended by the repeal and enactment in place thereof, of Section 18-21(A)(2)(b) of said Chapter, as follows:

CHAPTER 18
EXCAVATIONS

"§18-21 Fees.

A.

2. Gravel, fill, rock, limestone and subsoil;

b. Any area, five cents (\$0.05) per cubic yard to be removed. The fee in no event to exceed Three Thousand Dollars (\$3,000.)."

BE IT FURTHER

RESOLVED, that a certified copy thereof be published in the Lancaster Enterprise-Journal on January 18, 1979, and

BE IT FURTHER

RESOLVED, that a certified copy of this Amendment be posted on the Town Bulletin Board, and

BE IT FURTHER

RESOLVED, that affidavits of publication and posting be filed with the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

SUPERVISOR KEWSA VOTED YES

COUNCILMAN METZ VOTED YES

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The resolution was thereupon unanimously adopted.

January 15, 1979

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN METZ , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BOLENDER , TO WIT:

WHEREAS, a certain on-site modification in the construction of
the addition to the Town Hall has resulted in the necessity of a change order
and,

WHEREAS, the Town of Lancaster's Engineer has recommended such
change order be accepted by the Town of Lancaster, and said change order is
on file with the Town Clerk,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and
directed to execute the following change order:

Change Order No. GC-3

1. Cut, patch and install channel beam
2. Sleepers under 2 x 12 floor joists - 2nd floor
3. Extend landing outside 3rd floor to approximately
6' x 16' level deck and install 5/8" subfloor
4. Cut joist pockets - exterior wall
5. Drywall slanted ceiling
6. Raise 3rd floor ceiling and extend framing to
roof
7. Install pipe railing and steel ladder at balcony
8. Credits: Removal of ramp - 2nd floor passage
Delete dressing room passage
9. Install #3 bent reinforcing bars in 12" block wall
to dowell to new corridor floors - 2nd and 3rd
levels
10. Install four (4) aluminum soffit louvers -
approximate size 8" x "6" - at new addition.
11. Slant ceiling for headroom over stairs to passage

Addition: \$4,961.00

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES
COUNCILMAN BERENT VOTED YES
COUNCILMAN BOLENDER VOTED YES
SUPERVISOR KEWSA VOTED YES
COUNCILMAN METZ VOTED YES

XXXXXX

The resolution was thereupon unanimously adopted.

January 15, 1979

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BOLENDER , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
METZ , TO WIT:

RESOLVED, that the following Audited Claims be and are hereby
ordered paid from their respective accounts:

<u>ACCOUNT</u>	<u>ORDER NUMBER</u>	<u>TOTAL AMOUNT</u>
General Funds	No. 7572 to 7632 Incl.	\$234,232.98
Part Town Funds	No. 635 to 643 Incl.	\$ 5,966.84
Highway Funds	No. 2233 to 2247 Incl.	\$ 33,697.07
Special District Funds	No. 352 to 356 Incl.	\$ 34,472.27
Trust and Agency Funds	No. 291 to 294 Incl.	\$ 8,081.59
Federal Revenue Sharing	No. 1428 to 1432 Incl.	\$ 10,746.54
CETA Project No. 641	No. 48 to 53 Incl.	\$ 482.55
Debt Service Fund	No. 11 to 11 Incl.	\$ 15,787.50
Community Development Funds	No. 1012 to 1013 Incl.	\$ 27,856.80

and,

BE IT FURTHER

RESOLVED, that the claims of Edway Construction Co., dated December 18, 1978, in the amount of \$21,767.40 and M.R.J. Plumbing and Heating Inc., dated December 13, 1978, in the amount of \$6,089.40 for the renovation of the Town Hall Opera House be and are hereby approved and the Supervisor be and is hereby ordered to submit these claims to the Community Development Program for reimbursement.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN BARHARDT VOTED YES
COUNCILMAN BERENT VOTED YES
COUNCILMAN BOLENDER VOTED YES
SUPERVISOR KEWSA VOTED YES
COUNCILMAN METZ VOTED YES

da kxx

The resolution was thereupon unanimously adopted.

January 15, 1979

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN METZ , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BOLENDER , TO WIT:

RESOLVED, that the following Building Permit Applications be and
are hereby approved and the issuance of Building Permits be and are hereby
authorized:

<u>NO.</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>STRUCTURE</u>
1	Patrick Marrano Assoc.	14 Daniel Drive	ER. FR. BRK. VEN. SIN. DWLG, PVT. GARAGE
2	Josela Enterprises	631 Aurora Rd.	ER. FR. BRK. FRONT SIN. DWLG, PVT. GARAGE
3	Josela Enterprises	637 Aurora Rd.	ER. FR. BRK. FRONT SIN. DWLG, PVT. GARAGE
4	Thos. Fiordaliso	1360 Ransom Rd.	ER. FR. STORAGE BLDG.
5	Seacoast Const. Corp.	4401 Walden Ave.	INSTALL 2 GAS TANKS
6	Seacoast Const. Corp.	4401 Walden Ave.	ER. SIGN
7	Gerald Griffith	469 Aurora St.	EXT. FR. BRK. SIN. DWLG

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

SUPERVISOR KEWSA VOTED YES

COUNCILMAN METZ VOTED YES

xXXXXX

The resolution was thereupon unanimously adopted.

January 15, 1979

Councilman Berent requested a suspension of the necessary rule for immediate consideration of the following resolution -

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BERENT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT

WHEREAS, on November 5, 1975, the Town of Lancaster and the Village of Lancaster entered into a joint Municipal Agreement covering the cost of operation and maintenance of the traffic signal at the intersection of Walden Avenue and Central Avenue, and

WHEREAS, the Police and Safety Committee of the Town Board has received requests for the installation of left-turn arrows at this intersection, and a preliminary investigation by the Committee indicates that such request warrants further investigation and study, and

WHEREAS, the Chief of Police of the Town of Lancaster, by letter dated January 2, 1979, has indicated to the Police and Safety Committee that the approximate cost for the installation of left-turn arrows at this intersection, should they be warranted upon completion of indepth study and survey, would range in the neighborhood of \$5,000.00 for two (2) approaches and \$6,500.00 for four (4) approaches,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk of the Town of Lancaster be and is hereby directed to contact the Village of Lancaster and inquire as to whether or not the Village of Lancaster would be interested in joining with the Town of Lancaster in requesting the Erie County Department of Highways to conduct a study to determine the appropriate and correct upgrading of the traffic control signal at the intersection of Central Avenue and Walden Avenue, and

BE IT FURTHER

RESOLVED, that in the event the Village of Lancaster indicates in the affirmative that they would be willing to jointly request such a study with the Town of Lancaster, the Town Clerk be and is hereby directed to request the Erie County Department of Highways to conduct a study to determine the appropriate and correct upgrading of the traffic control signal at the

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

SUPERVISOR KEWSA VOTED YES

COUNCILMAN METZ VOTED YES

The resolution was thereupon unanimously adopted.

January 15, 1979

Councilman Berent requested a suspension of the necessary rule
for immediate consideration of the following resolution -
SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN BERENT , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCILMAN
BARNHARDT , TO WIT:

WHEREAS, by letter dated January 11, 1979, the Executive Director
of the Youth Bureau has requested a Town of Lancaster Youth Bureau Member
to attend the New York State Association of Youth Bureaus Conference at
Grossinger, New York from January 28th to February 1st, 1979;

NOW, THEREFORE, BE IT

RESOLVED, that ROBERT GIZA, a Town of Lancaster Youth Bureau
Member be and is hereby authorized to travel to Grossinger, New York, to
attend said conference with reimbursement for actual and necessary expenses
not to exceed \$375.00.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCILMAN BARNHARDT VOTED YES

COUNCILMAN BERENT VOTED YES

COUNCILMAN BOLENDER VOTED YES

SUPERVISOR KEWSA VOTED YES

COUNCILMAN METZ VOTED YES

The resolution was thereupon unanimously adopted.

January 15, 1979

STATUS REPORT ON UNFINISHED BUSINESS:

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1. Preferential Rights, Erie Lackawanna R.R.
On December 27, 1978, the Town Board authorized search and title work on this acquisition.
2. Public Improvement Permit Authorization, Lancaster Industrial Park
On December 18, 1978, the Town Board accepted these public improvements within this industrial park subject to receipt of maintenance security and tendering of title documents.
3. Subdivision Approval, Country View East
On May 1, 1978, this matter was presented to the Town Board and referred to the Planning Board for review and recommendation.
4. Rezone Petition, Dennis Casillo
On January 15, 1979, the Town Board held a public hearing on this matter and reserved decision.
5. Rezone Petition, Norman H. and Maryann Bastian
On November 6, 1978, the Town Board held a public hearing and reserved decision pending an updating evaluation from the new Planning Consultant to be retained after January 1, 1979.
6. Subdivision Approval, Heritage Hills
On December 4, 1978, the Town Board approved this subdivision and authorized filing of the map cover.
7. Speed Evaluation Survey, Como Park Boulevard
On January 5, 1979, the N.Y.S. Dept. of Transportation notified the Town Board of the establishment of a 45 mph speed zone on this highway.
8. Public Improvement Permit Authorization, Pleasant Meadow Subdivision, Phase IV.
On October 16, 1978, the Town Board approved P.I.P. Nos. 59, 60, and 61 for pavement and curbs, water line, and storm sewer.
9. Speed Evaluation Survey, Northwest Area of Township
On December 18, 1978, the Town Board adopted a resolution requesting an area speed zone for the entire Northwest area of the Township from the N.Y.S. Dept. of Transportation.
10. Public Improvement Permit Authorization, Woodview Estates Subdivision
On October 2, 1978, the Town Board approved P.I.P. Nos. 54 (water line), 55 (pavement), 56 (storm drain), 57 (sidewalk), and 58 (lighting).

The Town Clerk was directed to add the following items to future agendas of the Town Board;

"Subdivision Approval, Countryside East"

"Rezone Petition, Bernard Stangler"

The following persons spoke with the Town Board and expressed initial opposition to a proposed facility at 3746 Bowen Road for housing and care of retarded children. They asked the Town Board for further information on the facility as proposed by the New York State Association for Retarded Children.

Dr. David Jerome, 3763 Bowen Road, Lancaster

Mr. Bernard Wirth, 3747 Bowen Road, Lancaster

Mr. William Stutzman, 3749 Bowen Road, Lancaster

Mr. Dan Galloway, 3743 Bowen Road, Lancaster

The Supervisor reported that no formal information or site approval request has been received by the Town of Lancaster from the New York State Association for Retarded Children.

Dr. Jerome, Mr. Wirth, and Mr. Stutzman agreed to serve as a committee of three to investigate the proposed facility and other like facilities if and when a formal site approval request is received by the Town of Lancaster.

COMMUNICATIONS:

25. Association of Towns to Town Clerk -
Notice of the 1979 Annual Meeting of the
Association of Towns to be held in New York
City 2/18-21/79.
26. Chief of Police to Town Board -
Estimates and comments regarding installation
of left turn arrows at intersection of Walden
and Central Avenues.
27. Dog Warden to Town Board -
Monthly report for December, 1978.
28. Dog Warden to Town Board -
Yearly report for 1978.
29. Asst. Building Inspector to Town Board -
Monthly report for December, 1978.
30. N.Y.S. Dept. of Transportation to Supervisor -
Notification of approval of State Aid
Projects submitted.
31. N.Y.S. Office of Disaster Preparedness to
Supervisor -
Notification of disposition of interest
earned on advances of Federal Disaster
Assistance Adm. Funds.
32. County Dept. of Finance to Supervisor -
Transmittal of report regarding apportionment
and distribution of County 3% sales tax for
quarter ending 11/30/78.
33. Supervisor to Lancaster Village Mayor -
Request for meeting to discuss police
consolidation at the Town Hall on 1/29/79.
34. Supervisor to County Dept. of Environ. and
Planning -
Request report to Board of Managers regarding
rumors connected with ECSD No. 4.
35. County Water Authority to Supervisor -
Request notification to dispatcher when there
is use of hydrant.
36. Town Clerk to Supervisor -
Monthly report for December, 1978.
37. Town Clerk to Supervisor -
Resume of actions taken in response to
directions and resolutions of the Town
Board meeting of 1/2/79.
38. Town Clerk to Town Board -
Annual report of receipts and disbursements
for 1978.
39. Bowmansville Vol. Fire Assoc. to Town Board -
Recommendation of one new member to active
roster.
40. Millgrove Vol. Fire Co., Inc. to Town Clerk -
Recommendation of one new member to active
roster.
41. Town Clerk to Town Board -
Notification of issuance of summonses to
delinquent dog owners.

R & F

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R & F

Highway Supt.

R & F

R & F

Police & Safety Com.

R & F

Chief of Police

R & F

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COMMUNICATIONS CONT'D.:

42. Highway Supt. to Town Board -
Request authorization to receive bids for
building materials for the Highway Dept.
for the year 1979.
43. Chief of Police to Town Board -
Recommendation of permanent status for
Patrolman Timothy Domino.
44. Town Clerk to Chair., Planning Board -
Transmittal of application and drawings for
approval of Countryside East Subdivision.
45. N.Y.S. Dept. of Transportation to Town Clerk -
Notification of establishment of 45 mph speed
restriction on Como Park Blvd.
46. Town Engineers to Supervisor -
Request authorization to furnish construction
observer for water line work on Storer Road
and Transit Blvd.
47. Town Clerk to Chair., Planning Board -
Notification of presentation of rezone petition
of Bernard B. Stangler to Town Board at next
board meeting.
48. Town Attorney to Town Board -
Acceptance of proposal of Tryon & Schwartz,
Town Consultants.
49. Town Engineers to Supervisor -
Transmittal of five copies of Change Order
No. GC-3 for revisions to Town Hall addition.
50. Planning Board to Supervisor -
Minutes from meeting held 12/21/78.
51. Supervisor to County Dept. of Environ. and
Planning -
Comments regarding pumping response within
Sewer Dist. No. 2.
52. Town Engineers to Supervisor -
Transmittal of cost breakdown for revised
ramp regarding Town Hall addition.
53. Malcolm Pirnie, Inc. to Supervisor -
Results of investigations regarding funding
possibilities for Court Street Bridge.
54. Chair., Planning Board to Town Board -
Recommendation that Richard Brox of Tryon
and Schwartz be appointed Professional Town
Planner for 1979.
55. Planning Board to Supervisor -
Minutes from meeting held 1/3/79.
56. Town Engineers to Town Board -
Comments regarding preliminary report on
Court Street Bridge repair.
57. Recreation Commission to Town Clerk -
Minutes from meeting held 12/7/78.
58. Deputy Town Attorney to Supervisor -
Minutes from Fire Prevention Code meeting
held 1/8/79.

R & F

Town Clerk

Town Clerk

Chief of Police

Supervisor
Highway Supt.
Engineers

Town Clerk

R & F

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Supervisor

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Malcolm Pirnie, Inc.

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COMMUNICATIONS CONT'D.:

59. County Office of Disaster Preparedness to Supervisor -
Request update and transmittal of local government information report.
60. Town Attorney to Supervisor -
Notification that restitution for damages in criminal or quasi-criminal matter may be accepted by Town with further action by Town Board.
61. Ex. Dir., Youth Bureau to Supervisor -
Request authorization for Robert Giza to attend N.Y.S. Asso. of Youth Bureaus to be held at Grossinger, N.Y. from 1/28-2/1/79.
62. Highway Supt. to Town Board -
Request formal resolution for purpose of entering into agreement with N.Y.S. Dept. of Transportation for shoulder rehabilitation program in connection with Federal Safer Off System Roads Program with transmittal of agreement and resolution.

Supervisor
Town Clerk
Attorney

R & F

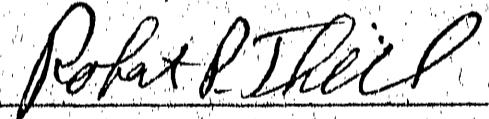
Town Clerk

Town Clerk
Highway Supt.
Attorney

ADJOURNMENT:

ON MOTION OF SUPERVISOR KEYS, AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 11:00 P.M.

Signed



Robert P. Thill, Town Clerk